

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,)
Petitioner,)
v.) Case No. CIV-24-264-R
DAVID ROGERS,)
Warden,)
Respondent.)

ORDER

This action is before the Court for review of the Report and Recommendation [Doc. No. 10] issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Upon initial screening of the Petition for a Writ of Habeas Corpus [Doc. No. 1] filed by David Brian Mordan,¹ Judge Mitchell recommends that the action be dismissed without prejudice for lack of jurisdiction as a second or successive habeas petition without Tenth Circuit authorization. Within the time to file an objection to the Report and Recommendation, Petitioner filed a document titled “Motion to Vacate Ad Prosequendum” [Doc. No. 11]. Even liberally construed, this document presents no

¹ The Petition names seven individuals as petitioners and was originally filed in the United States District Court for the District of Columbia. That court elected to proceed with Mr. Morgan as the sole petitioner because he was the only individual who filed an application to proceed *in forma pauperis*. See Doc. No. 3. This Court similarly elects to proceed with Mr. Morgan as the sole Petitioner. Accordingly, the Petition for Writ of Coram Nobis [Doc. No. 12] filed by George Sebastian in this case is denied as moot. Mr. Sebastian appears to have a Petition for Writ of Habeas Corpus pending in *Sebastian v. Biden*, CIV-24-55 (W.D. Okla.) and may proceed separately in that action.

persuasive argument or authority that would cause this Court to reject Judge Mitchell's recommendation.

Accordingly, the Report and Recommendation [Doc. No. 10] is ADOPTED in its entirety. The Petition for Writ of Habeas Corpus [Doc. No. 1] is dismissed without prejudice for lack of jurisdiction and Petitioner's Application to proceed in forma pauperis [Doc. No. 2] is DENIED as moot. Additionally, Petitioner has not met the standard for issuance of a certificate of appealability and a certificate of appealability is therefore denied.

IT IS SO ORDERED this 16th day of April, 2024.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE